

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STREAM INTERNATIONAL GLOBAL
SERVICES PHILIPPINES, INC.,

Petitioner,

v.

PEEK, INC.,

Respondent.

Case No. 12 CIV 3485 (TPG)

MOTION TO ENTER JUDGMENT CONFIRMING ARBITRATION AWARD

Petitioner Stream International Global Services Philippines, Inc. (“Stream”) hereby moves that this Court enter a judgment confirming an arbitration award, rendered on August 5, 2011 by a duly appointed arbitrator from the International Centre for Dispute Resolution of the American Arbitration Association (“Award”), in Stream’s favor and against respondent Peek, Inc. (“Peek”). As grounds for this motion, Stream states as follows:

1. On or about January 27, 2011, pursuant to a contractual arbitration clause, Stream filed a demand for arbitration seeking damages, interest, attorney’s fees, and arbitration costs arising from Peek’s failure to pay for services rendered to it by Stream.
2. On August 5, 2011, the arbitrator issued the Award to Stream in the amount of \$255,229.48 in damages, interest, attorney’s fees, and costs, with interest on the damages portion of the Award continuing to accrue at the contractual rate of eighteen percent per annum from July 1, 2011 to the date of payment.

3. Peek did not pay the Award. Accordingly, on May 2, 2012, Stream filed a Petition to Confirm Arbitration Award and supporting materials in this Court; on May 8, 2012, Stream filed the Declaration of Leonard G. Learner in Support of Petition to Confirm Arbitration Award ("Learner Declaration").

4. On June 1, 2012, Stream served upon Peek its Petition to Confirm Arbitration Award, Notice of Petition to Confirm Arbitration Award, Disclosure Statement Pursuant to Fed.R.Civ.P 7.1, and Civil Action Cover Sheet. On June 7, 2012, Stream served upon Peek the Learner Declaration, which had been omitted inadvertently from the materials served upon Peek on June 1, 2012.

5. Peek has failed and refused to file any response of any kind to the materials served upon it on June 1 and 7, 2012. Moreover, Peek has not communicated with Stream or its counsel to request any enlargement of time or other accommodation to enable it to prepare and file any response to the pending petition.

6. Where, as here, a respondent fails to answer a petition to confirm an arbitration award, the pending petition will be treated by this Court as akin to an unopposed motion for summary judgment based upon the petitioner's submissions. *See D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109-10 (2d Cir. 2006). Based upon the uncontroverted arbitration record before this Court, there is no genuine issue of material fact and the Award in Stream's favor should be confirmed and enforced as a matter of law.

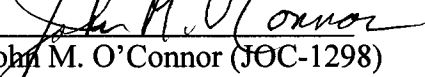
As further grounds for this motion, Stream respectfully refers the Court to its Petition to Confirm Arbitration Award and Notice of Petition to Confirm Arbitration Award (both filed in this Court on May 2, 2012), the Learner Declaration (filed in this Court on May 8, 2012), and the accompanying memorandum of law and Declaration of Matthew F. Putorti, filed herewith.

WHEREFORE, petitioner Stream respectfully requests that this Court, pursuant to 9 U.S.C. § 207, enter a judgment:

1. Confirming the August 5, 2011 Award in Stream's favor and against Peek;
2. Awarding Stream its damages, attorney's fees, and costs in conformity with the Award, including but not limited to the amount of contractual interest awarded in Paragraph A thereof, made current to the date of this Court's judgment and continuing until the date of satisfaction of the judgment;
3. Awarding Stream its costs and attorneys' fees incurred in bringing this Petition; and
4. Granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

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Dated: October 9, 2012